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October 22, 2021

Via ECF Only

Honorable John P. Cronan, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Edward Shin
Case No.: 1:19-cr-00552-JPC

Dear Judge Cronan:

I represent Edward Shin in the above-referenced matter. As briefly discussed at our status conference on October 15, 2021, please find enclosed pursuant to Rule 17(c) of the Federal Rules of Criminal Procedure, a proposed subpoena *duces tecum* to Noah Bank calling for two categories of documents to be produced prior to the trial. I am sending this request on notice to the United States Government and will provide to them copies of any documents I receive.

The two requested items are as follows:

(i) Loan Records

There are approximately 58 loans issued by Noah Bank which the Government alleges involve improper activity by Mr. Shin and others. The Government has produced several million documents from Noah Bank that contain these and other loan file documents, including credit memos and the like. Our review of the documents suggests that there may be some additional documents relating to 18 of these loans. We are requesting that the Court authorize the issuance of the enclosed subpoena *duces tecum* so that we may be certain that all relevant documents relating to these 18 loans have been produced by Noah Bank and will be available to the parties at the trial.

(ii) 1099 Information for Entities Related to J.K.

In addition, although not discussed at the October 15 status conference, I am requesting a second category of documents. We have previously subpoenaed, pursuant to an Order from Judge Woods, IRS Form 1099 records of Noah Bank relating to payments to the Government witness J.K. for broker and other services. Noah Bank did provide those records and we already provided them to the Government. We are requesting in this subpoena *duces tecum* that Noah Bank provide the Form 1099 statements for the five listed entities on the proposed subpoena *duces tecum* as these entities were used or controlled by J.K. and were paid by Noah Bank for broker and other services by J.K.

We are requesting that Noah Bank provide these documents by November 15, 2021 and that they be produced at my office in New Jersey.

Respectfully submitted,

/s/ Paul B. Brickfield

Paul B. Brickfield

enc.

cc: Robert Basil, Esq. (via ECF only w/ enc.)
Assistant U.S. Attorney Tara LaMorte (via ECF only w/ enc.)
Assistant U.S. Attorney Anden Chow (via ECF only w/ enc.)
Assistant U.S. Attorney Jessica Greenwood (via ECF only w/ enc.)

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.
Edward Shin a/k/a Eungsoo Shin

Defendant

Case No. 1:19-cr-005520-JPC

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR
OBJECTS IN A CRIMINAL CASE**

To: Noah Bank, 7301 Old York Road, Elkins Park, PA 19027

(Name of person to whom this subpoena is directed)

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

See attached Rider.

Place: Brickfield & Donahue
70 Grand Avenue, Suite 100
River Edge, NJ 07661

Date and Time:

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Edward Shin
a/k/a Eungsoo Shin, who requests this subpoena, are:

Paul B. Brickfield, Esq., Brickfield & Donahue, 70 Grand Avenue, Suite 100, River Edge, NJ 07661
Phone: (201) 488-7707 / Fax: (201) 488-9559 / Email: pbrickfield@brickdonlaw.com

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case (Page 2)

Case No. 1:19-cr-005520-JPC

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

United States of America v. Edward Shin a/k/a Eungsoo Shin
Case No.: 1:19-cr-005520-JPC

Rider to Subpoena to Produce Documents, Information or Objects in a Criminal Case

1. All records for the period of January 1, 2009 to December 31, 2013 involving the following loans:

SBA Loan Number	Noah Bank Note Number	File Name
3401735003	500453 (\$1,000,000)	1797 Empire, Inc.
Commercial Loan	500519 (\$300,000)	1797 Empire, Inc.
3999295006	500503	32 Madison Farm, Inc.
5307635000	500809	52 JP Park Corp.
3635005010	500477	765 Sixth Avenue Market, Inc.
3924355006	500491 (\$1.1 million)	Armonk Farm, Inc.
4551205008	500527 (\$120,000)	Armonk Farm, Inc.
4920335008	500569 (\$500,000)	Armonk Farm, Inc.
6215575003	501139	Bistro Market Place 17, Inc.
5217555007	500739	Everbeauty, Inc.
6428395001	501251 (\$1,050,000)	First Ave Lee's Market, Inc.
7502535010	501785 (\$75,000)	First Ave Lee's Market, Inc.
7927235009	501835 (\$150,000)	First Ave Lee's Market, Inc.
171415004	500701 (\$5 million)	Garden of Eden Enterprises, Inc.
6460985001	501257 (\$475,000)	Garden of Eden Enterprises, Inc.
Commercial Loan	2000005207	Madison Kim's Farm, Inc.
5382985000	500883	SBS Food Corp.
5128595006	500685	SCY Realty Corp.

2. All 1099 records for the period of January 1, 2009 to December 31, 2013 for the following entities:

- a. SBA Eastern Realty Inc., Tax ID No.: 20-8425875
- b. BADA Realty Inc., Tax ID No.: 27-2396498
- c. Seoul Kim Realty Inc., Tax ID No.: 46-1224457
- d. JKK Property Inc., Tax ID No.: 46-2669274
- e. My Zip Realty Inc., Tax ID No.: 26-2871689